

Article - Local Government

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§13-402.1.

(a) (1) In this section, “displacement” means the provision of garbage collection, removal, or disposal services by a governing body of a county in a manner that precludes a private person that has been providing the services and is licensed and inspected by the Charles County Health Department from continuing to provide the services.

(2) “Displacement” does not include circumstances in which:

(i) a governing body of a county:

1. does not renew a contract for garbage collection, removal, or disposal services and, at the end of the contract term, provides the services itself or contracts with another person to provide the services; or

2. enters into a contract with another person to provide other garbage collection, removal, or disposal services;

(ii) the person that has been providing the garbage collection, removal, or disposal services:

1. has acted in a manner threatening to public health or safety;

2. has acted in a manner resulting in a substantial public nuisance;

3. has committed a material breach of a contract for garbage collection, removal, or disposal services;

4. refuses to continue to provide garbage collection, removal, or disposal services under the terms and conditions of an existing agreement; or

5. has been authorized to provide garbage collection, removal, or disposal services under a license or permit that will expire and not be renewed; or

(iii) a majority of the property owners in the defined service area request in writing that the governing body of the county take over the garbage collection, removal, or disposal services.

(b) This section applies only to a code county in the Southern Maryland class, as provided in § 9–302(a) of this article.

(c) Before taking any action that results in the displacement of a person that has been providing garbage collection, removal, or disposal services in the county, the county commissioners shall:

(1) hold at least one public hearing on the advisability of the county providing the garbage collection, removal, or disposal services; and

(2) provide notice of the hearing to:

(i) each person that provides the services in the county, in writing sent by first-class mail at least 45 days before the hearing; and

(ii) the public, by publishing a notification in a newspaper of general circulation in the county once each week for 2 successive weeks before the hearing.

(d) (1) Subject to paragraph (2) of this subsection, within 1 year after the public hearing, and at least 3 years before any displacement, the county commissioners shall provide written notice by registered mail of the displacement to the person providing the garbage collection, removal, or disposal services.

(2) The county may begin providing garbage collection, removal, or disposal services or contract with another person to provide the services less than 4 years after providing the notice required under paragraph (1) of this subsection if:

(i) the county pays the displaced person that has been providing the services an amount equal to the person's gross receipts for providing the services in the county for the preceding 12-month period;

(ii) the county commissioners and the person that has been providing the services agree to a different notice period or compensation amount; or

(iii) the person stops providing the services in the county.

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